



Rep. John E. Bradley

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1 AMENDMENT TO SENATE BILL 1910

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1910, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Public Labor Relations Act is  
6 amended by changing Sections 3 and 6.1 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

8 Sec. 3. Definitions. As used in this Act, unless the  
9 context otherwise requires:

10 (a) "Board" means the Illinois Labor Relations Board or,  
11 with respect to a matter over which the jurisdiction of the  
12 Board is assigned to the State Panel or the Local Panel under  
13 Section 5, the panel having jurisdiction over the matter.

14 (b) "Collective bargaining" means bargaining over terms  
15 and conditions of employment, including hours, wages, and other  
16 conditions of employment, as detailed in Section 7 and which

1 are not excluded by Section 4.

2 (c) "Confidential employee" means an employee who, in the  
3 regular course of his or her duties, assists and acts in a  
4 confidential capacity to persons who formulate, determine, and  
5 effectuate management policies with regard to labor relations  
6 or who, in the regular course of his or her duties, has  
7 authorized access to information relating to the effectuation  
8 or review of the employer's collective bargaining policies.

9 (d) "Craft employees" means skilled journeymen, crafts  
10 persons, and their apprentices and helpers.

11 (e) "Essential services employees" means those public  
12 employees performing functions so essential that the  
13 interruption or termination of the function will constitute a  
14 clear and present danger to the health and safety of the  
15 persons in the affected community.

16 (f) "Exclusive representative", except with respect to  
17 non-State fire fighters and paramedics employed by fire  
18 departments and fire protection districts, non-State peace  
19 officers, and peace officers in the Department of State Police,  
20 means the labor organization that has been (i) designated by  
21 the Board as the representative of a majority of public  
22 employees in an appropriate bargaining unit in accordance with  
23 the procedures contained in this Act, (ii) historically  
24 recognized by the State of Illinois or any political  
25 subdivision of the State before July 1, 1984 (the effective  
26 date of this Act) as the exclusive representative of the

1 employees in an appropriate bargaining unit, (iii) after July  
2 1, 1984 (the effective date of this Act) recognized by an  
3 employer upon evidence, acceptable to the Board, that the labor  
4 organization has been designated as the exclusive  
5 representative by a majority of the employees in an appropriate  
6 bargaining unit; (iv) recognized as the exclusive  
7 representative of personal care attendants or personal  
8 assistants under Executive Order 2003-8 prior to the effective  
9 date of this amendatory Act of the 93rd General Assembly, and  
10 the organization shall be considered to be the exclusive  
11 representative of the personal care attendants or personal  
12 assistants as defined in this Section; or (v) recognized as the  
13 exclusive representative of child and day care home providers,  
14 including licensed and license exempt providers, pursuant to an  
15 election held under Executive Order 2005-1 prior to the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly, and the organization shall be considered to be the  
18 exclusive representative of the child and day care home  
19 providers as defined in this Section.

20 With respect to non-State fire fighters and paramedics  
21 employed by fire departments and fire protection districts,  
22 non-State peace officers, and peace officers in the Department  
23 of State Police, "exclusive representative" means the labor  
24 organization that has been (i) designated by the Board as the  
25 representative of a majority of peace officers or fire fighters  
26 in an appropriate bargaining unit in accordance with the

1 procedures contained in this Act, (ii) historically recognized  
2 by the State of Illinois or any political subdivision of the  
3 State before January 1, 1986 (the effective date of this  
4 amendatory Act of 1985) as the exclusive representative by a  
5 majority of the peace officers or fire fighters in an  
6 appropriate bargaining unit, or (iii) after January 1, 1986  
7 (the effective date of this amendatory Act of 1985) recognized  
8 by an employer upon evidence, acceptable to the Board, that the  
9 labor organization has been designated as the exclusive  
10 representative by a majority of the peace officers or fire  
11 fighters in an appropriate bargaining unit.

12 Where a historical pattern of representation exists for the  
13 workers of a water system that was owned by a public utility,  
14 as defined in Section 3-105 of the Public Utilities Act, prior  
15 to becoming certified employees of a municipality or  
16 municipalities once the municipality or municipalities have  
17 acquired the water system as authorized in Section 11-124-5 of  
18 the Illinois Municipal Code, the Board shall find the labor  
19 organization that has historically represented the workers to  
20 be the exclusive representative under this Act, and shall find  
21 the unit represented by the exclusive representative to be the  
22 appropriate unit.

23 (g) "Fair share agreement" means an agreement between the  
24 employer and an employee organization under which all or any of  
25 the employees in a collective bargaining unit are required to  
26 pay their proportionate share of the costs of the collective

1 bargaining process, contract administration, and pursuing  
2 matters affecting wages, hours, and other conditions of  
3 employment, but not to exceed the amount of dues uniformly  
4 required of members. The amount certified by the exclusive  
5 representative shall not include any fees for contributions  
6 related to the election or support of any candidate for  
7 political office. Nothing in this subsection (g) shall preclude  
8 an employee from making voluntary political contributions in  
9 conjunction with his or her fair share payment.

10 (g-1) "Fire fighter" means, for the purposes of this Act  
11 only, any person who has been or is hereafter appointed to a  
12 fire department or fire protection district or employed by a  
13 state university and sworn or commissioned to perform fire  
14 fighter duties or paramedic duties, except that the following  
15 persons are not included: part-time fire fighters, auxiliary,  
16 reserve or voluntary fire fighters, including paid on-call fire  
17 fighters, clerks and dispatchers or other civilian employees of  
18 a fire department or fire protection district who are not  
19 routinely expected to perform fire fighter duties, or elected  
20 officials.

21 (g-2) "General Assembly of the State of Illinois" means the  
22 legislative branch of the government of the State of Illinois,  
23 as provided for under Article IV of the Constitution of the  
24 State of Illinois, and includes but is not limited to the House  
25 of Representatives, the Senate, the Speaker of the House of  
26 Representatives, the Minority Leader of the House of

1 Representatives, the President of the Senate, the Minority  
2 Leader of the Senate, the Joint Committee on Legislative  
3 Support Services and any legislative support services agency  
4 listed in the Legislative Commission Reorganization Act of  
5 1984.

6 (h) "Governing body" means, in the case of the State, the  
7 State Panel of the Illinois Labor Relations Board, the Director  
8 of the Department of Central Management Services, and the  
9 Director of the Department of Labor; the county board in the  
10 case of a county; the corporate authorities in the case of a  
11 municipality; and the appropriate body authorized to provide  
12 for expenditures of its funds in the case of any other unit of  
13 government.

14 (i) "Labor organization" means any organization in which  
15 public employees participate and that exists for the purpose,  
16 in whole or in part, of dealing with a public employer  
17 concerning wages, hours, and other terms and conditions of  
18 employment, including the settlement of grievances.

19 (i-5) "Legislative liaison" means a person who is an  
20 employee of a State agency, the Attorney General, the Secretary  
21 of State, the Comptroller, or the Treasurer, as the case may  
22 be, and whose job duties require the person to regularly  
23 communicate in the course of his or her employment with any  
24 official or staff of the General Assembly of the State of  
25 Illinois for the purpose of influencing any legislative action.

26 (j) "Managerial employee" means an individual who is

1 engaged predominantly in executive and management functions  
2 and is charged with the responsibility of directing the  
3 effectuation of management policies and practices. With  
4 respect only to State employees in positions under the  
5 jurisdiction of the Attorney General, Secretary of State,  
6 Comptroller, or Treasurer (i) that were certified in a  
7 bargaining unit on or after December 2, 2008, (ii) for which a  
8 petition is filed with the Illinois Public Labor Relations  
9 Board on or after April 5, 2013 (the effective date of Public  
10 Act 97-1172) ~~this amendatory Act of the 97th General Assembly,~~  
11 or (iii) for which a petition is pending before the Illinois  
12 Public Labor Relations Board on that date, "managerial  
13 employee" means an individual who is engaged in executive and  
14 management functions or who is charged with the effectuation of  
15 management policies and practices or who represents management  
16 interests by taking or recommending discretionary actions that  
17 effectively control or implement policy. Nothing in this  
18 definition prohibits an individual from also meeting the  
19 definition of "supervisor" under subsection (r) of this  
20 Section.

21 (k) "Peace officer" means, for the purposes of this Act  
22 only, any persons who have been or are hereafter appointed to a  
23 police force, department, or agency and sworn or commissioned  
24 to perform police duties, except that the following persons are  
25 not included: part-time police officers, special police  
26 officers, auxiliary police as defined by Section 3.1-30-20 of

1 the Illinois Municipal Code, night watchmen, "merchant  
2 police", court security officers as defined by Section 3-6012.1  
3 of the Counties Code, temporary employees, traffic guards or  
4 wardens, civilian parking meter and parking facilities  
5 personnel or other individuals specially appointed to aid or  
6 direct traffic at or near schools or public functions or to aid  
7 in civil defense or disaster, parking enforcement employees who  
8 are not commissioned as peace officers and who are not armed  
9 and who are not routinely expected to effect arrests, parking  
10 lot attendants, clerks and dispatchers or other civilian  
11 employees of a police department who are not routinely expected  
12 to effect arrests, or elected officials.

13 (l) "Person" includes one or more individuals, labor  
14 organizations, public employees, associations, corporations,  
15 legal representatives, trustees, trustees in bankruptcy,  
16 receivers, or the State of Illinois or any political  
17 subdivision of the State or governing body, but does not  
18 include the General Assembly of the State of Illinois or any  
19 individual employed by the General Assembly of the State of  
20 Illinois.

21 (m) "Professional employee" means any employee engaged in  
22 work predominantly intellectual and varied in character rather  
23 than routine mental, manual, mechanical or physical work;  
24 involving the consistent exercise of discretion and adjustment  
25 in its performance; of such a character that the output  
26 produced or the result accomplished cannot be standardized in

1 relation to a given period of time; and requiring advanced  
2 knowledge in a field of science or learning customarily  
3 acquired by a prolonged course of specialized intellectual  
4 instruction and study in an institution of higher learning or a  
5 hospital, as distinguished from a general academic education or  
6 from apprenticeship or from training in the performance of  
7 routine mental, manual, or physical processes; or any employee  
8 who has completed the courses of specialized intellectual  
9 instruction and study prescribed in this subsection (m) and is  
10 performing related work under the supervision of a professional  
11 person to qualify to become a professional employee as defined  
12 in this subsection (m).

13 (n) "Public employee" or "employee", for the purposes of  
14 this Act, means any individual employed by a public employer,  
15 including (i) interns and residents at public hospitals, (ii)  
16 as of the effective date of this amendatory Act of the 93rd  
17 General Assembly, but not before, personal care attendants and  
18 personal assistants working under the Home Services Program  
19 under Section 3 of the Disabled Persons Rehabilitation Act,  
20 subject to the limitations set forth in this Act and in the  
21 Disabled Persons Rehabilitation Act, (iii) as of the effective  
22 date of this amendatory Act of the 94th General Assembly, but  
23 not before, child and day care home providers participating in  
24 the child care assistance program under Section 9A-11 of the  
25 Illinois Public Aid Code, subject to the limitations set forth  
26 in this Act and in Section 9A-11 of the Illinois Public Aid

1 Code, ~~and~~ (iv) as of January 29, 2013 (the effective date of  
2 Public Act 97-1158) ~~this amendatory Act of the 97th General~~  
3 ~~Assembly~~, but not before except as otherwise provided in this  
4 subsection (n), home care and home health workers who function  
5 as personal care attendants, personal assistants, and  
6 individual maintenance home health workers and who also work  
7 under the Home Services Program under Section 3 of the Disabled  
8 Persons Rehabilitation Act, no matter whether the State  
9 provides those services through direct fee-for-service  
10 arrangements, with the assistance of a managed care  
11 organization or other intermediary, or otherwise, (v)  
12 beginning on the effective date of this amendatory Act of the  
13 98th General Assembly and notwithstanding any other provision  
14 of this Act, any person employed by a public employer and who  
15 is classified as or who holds the employment title of Chief  
16 Stationary Engineer, Assistant Chief Stationary Engineer,  
17 Sewage Plant Operator, Water Plant Operator, Stationary  
18 Engineer, Plant Operating Engineer, Civil Engineer V, Civil  
19 Engineer VI, Civil Engineer VII, Technical Manager I, Technical  
20 Manager II, Technical Manager III, Technical Manager IV,  
21 Technical Manager V, Technical Manager VI, Realty Specialist  
22 III, Realty Specialist IV, Realty Specialist V, Technical  
23 Advisor I, Technical Advisor II, Technical Advisor III,  
24 Technical Advisor IV, or Technical Advisor V, and (vi)  
25 beginning on the effective date of this amendatory Act of the  
26 98th General Assembly and notwithstanding any other provision

1 of this Act, any mental health administrator in the Department  
2 of Corrections who is classified as or who holds the position  
3 of Public Service Administrator (Option 8K), any attorney in  
4 the Department of Corrections who is classified as or who holds  
5 the position of Public Service Administrator (Option 8L), any  
6 nuclear safety staff attorney in the Illinois Emergency  
7 Management Agency, any Section Chief, Deputy Lab Director,  
8 Research and Development Coordinator, Quality Assurance  
9 Director, or Assistant Director of Training in the Department  
10 of State Police who is classified as or who holds the position  
11 of Senior Public Service Administrator (Option 7), any employee  
12 of the Office of the Inspector General in the Department of  
13 Human Services who is classified as or who holds the position  
14 of Public Service Administrator (Option 7), any Deputy of  
15 Intelligence in the Department of Corrections who is classified  
16 as or who holds the position of Public Service Administrator  
17 (Option 7), and any employee of the Department of State Police  
18 who handles issues concerning the Illinois State Police Sex  
19 Offender Registry and who is classified as or holds the  
20 position of Public Service Administrator (Option 7), but  
21 excluding all of the following: employees of the General  
22 Assembly of the State of Illinois; elected officials; executive  
23 heads of a department; members of boards or commissions; the  
24 Executive Inspectors General; any special Executive Inspectors  
25 General; employees of each Office of an Executive Inspector  
26 General; commissioners and employees of the Executive Ethics

1 Commission; the Auditor General's Inspector General; employees  
2 of the Office of the Auditor General's Inspector General; the  
3 Legislative Inspector General; any special Legislative  
4 Inspectors General; employees of the Office of the Legislative  
5 Inspector General; commissioners and employees of the  
6 Legislative Ethics Commission; employees of any agency, board  
7 or commission created by this Act; employees appointed to State  
8 positions of a temporary or emergency nature; all employees of  
9 school districts and higher education institutions except  
10 firefighters and peace officers employed by a state university  
11 and except peace officers employed by a school district in its  
12 own police department in existence on the effective date of  
13 this amendatory Act of the 96th General Assembly; managerial  
14 employees; short-term employees; legislative liaisons; a  
15 person who is a State employee under the jurisdiction of the  
16 Office of the Attorney General who is licensed to practice law  
17 or whose position authorizes, either directly or indirectly,  
18 meaningful input into government decision-making on issues  
19 where there is room for principled disagreement on goals or  
20 their implementation; a person who is a State employee under  
21 the jurisdiction of the Office of the Comptroller who holds the  
22 position of Public Service Administrator or whose position is  
23 otherwise exempt under the Comptroller Merit Employment Code; a  
24 person who is a State employee under the jurisdiction of the  
25 Secretary of State who holds the position classification of  
26 Executive I or higher, whose position authorizes, either

1 directly or indirectly, meaningful input into government  
2 decision-making on issues where there is room for principled  
3 disagreement on goals or their implementation, or who is  
4 otherwise exempt under the Secretary of State Merit Employment  
5 Code; employees in the Office of the Secretary of State who are  
6 completely exempt from jurisdiction B of the Secretary of State  
7 Merit Employment Code and who are in Rutan-exempt positions on  
8 or after April 5, 2013 (the effective date of Public Act  
9 97-1172) ~~this amendatory Act of the 97th General Assembly~~; a  
10 person who is a State employee under the jurisdiction of the  
11 Treasurer who holds a position that is exempt from the State  
12 Treasurer Employment Code; any employee of a State agency who  
13 (i) holds the title or position of, or exercises substantially  
14 similar duties as a legislative liaison, Agency General  
15 Counsel, Agency Chief of Staff, Agency Executive Director,  
16 Agency Deputy Director, Agency Chief Fiscal Officer, Agency  
17 Human Resources Director, Public Information Officer, or Chief  
18 Information Officer and (ii) was neither included in a  
19 bargaining unit nor subject to an active petition for  
20 certification in a bargaining unit; any employee of a State  
21 agency who (i) is in a position that is Rutan-exempt, as  
22 designated by the employer, and completely exempt from  
23 jurisdiction B of the Personnel Code and (ii) was neither  
24 included in a bargaining unit nor subject to an active petition  
25 for certification in a bargaining unit; any term appointed  
26 employee of a State agency pursuant to Section 8b.18 or 8b.19

1 of the Personnel Code who was neither included in a bargaining  
2 unit nor subject to an active petition for certification in a  
3 bargaining unit; any employment position properly designated  
4 pursuant to Section 6.1 of this Act; confidential employees;  
5 independent contractors; and supervisors except as provided in  
6 this Act.

7 Home care and home health workers who function as personal  
8 care attendants, personal assistants, and individual  
9 maintenance home health workers and who also work under the  
10 Home Services Program under Section 3 of the Disabled Persons  
11 Rehabilitation Act shall not be considered public employees for  
12 any purposes not specifically provided for in Public Act 93-204  
13 or Public Act 97-1158 ~~this amendatory Act of the 97th General~~  
14 ~~Assembly~~, including but not limited to, purposes of vicarious  
15 liability in tort and purposes of statutory retirement or  
16 health insurance benefits. Home care and home health workers  
17 who function as personal care attendants, personal assistants,  
18 and individual maintenance home health workers and who also  
19 work under the Home Services Program under Section 3 of the  
20 Disabled Persons Rehabilitation Act shall not be covered by the  
21 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

22 Child and day care home providers shall not be considered  
23 public employees for any purposes not specifically provided for  
24 in this amendatory Act of the 94th General Assembly, including  
25 but not limited to, purposes of vicarious liability in tort and  
26 purposes of statutory retirement or health insurance benefits.

1 Child and day care home providers shall not be covered by the  
2 State Employees Group Insurance Act of 1971.

3 Notwithstanding Section 9, subsection (c), or any other  
4 provisions of this Act, all peace officers above the rank of  
5 captain in municipalities with more than 1,000,000 inhabitants  
6 shall be excluded from this Act.

7 (o) Except as otherwise in subsection (o-5), "public  
8 employer" or "employer" means the State of Illinois; any  
9 political subdivision of the State, unit of local government or  
10 school district; authorities including departments, divisions,  
11 bureaus, boards, commissions, or other agencies of the  
12 foregoing entities; and any person acting within the scope of  
13 his or her authority, express or implied, on behalf of those  
14 entities in dealing with its employees. As of the effective  
15 date of the amendatory Act of the 93rd General Assembly, but  
16 not before, the State of Illinois shall be considered the  
17 employer of the personal care attendants and personal  
18 assistants working under the Home Services Program under  
19 Section 3 of the Disabled Persons Rehabilitation Act, subject  
20 to the limitations set forth in this Act and in the Disabled  
21 Persons Rehabilitation Act. As of January 29, 2013 (the  
22 effective date of Public Act 97-1158) ~~this amendatory Act of~~  
23 ~~the 97th General Assembly~~, but not before except as otherwise  
24 provided in this subsection (o), the State shall be considered  
25 the employer of home care and home health workers who function  
26 as personal care attendants, personal assistants, and

1 individual maintenance home health workers and who also work  
2 under the Home Services Program under Section 3 of the Disabled  
3 Persons Rehabilitation Act, no matter whether the State  
4 provides those services through direct fee-for-service  
5 arrangements, with the assistance of a managed care  
6 organization or other intermediary, or otherwise, but subject  
7 to the limitations set forth in this Act and the Disabled  
8 Persons Rehabilitation Act. The State shall not be considered  
9 to be the employer of home care and home health workers who  
10 function as personal care attendants, personal assistants, and  
11 individual maintenance home health workers and who also work  
12 under the Home Services Program under Section 3 of the Disabled  
13 Persons Rehabilitation Act, for any purposes not specifically  
14 provided for in Public Act 93-204 or Public Act 97-1158 ~~this~~  
15 ~~amendatory Act of the 97th General Assembly~~, including but not  
16 limited to, purposes of vicarious liability in tort and  
17 purposes of statutory retirement or health insurance benefits.  
18 Home care and home health workers who function as personal care  
19 attendants, personal assistants, and individual maintenance  
20 home health workers and who also work under the Home Services  
21 Program under Section 3 of the Disabled Persons Rehabilitation  
22 Act shall not be covered by the State Employees Group Insurance  
23 Act of 1971 (5 ILCS 375/). As of the effective date of this  
24 amendatory Act of the 94th General Assembly but not before, the  
25 State of Illinois shall be considered the employer of the day  
26 and child care home providers participating in the child care

1 assistance program under Section 9A-11 of the Illinois Public  
2 Aid Code, subject to the limitations set forth in this Act and  
3 in Section 9A-11 of the Illinois Public Aid Code. The State  
4 shall not be considered to be the employer of child and day  
5 care home providers for any purposes not specifically provided  
6 for in this amendatory Act of the 94th General Assembly,  
7 including but not limited to, purposes of vicarious liability  
8 in tort and purposes of statutory retirement or health  
9 insurance benefits. Child and day care home providers shall not  
10 be covered by the State Employees Group Insurance Act of 1971.

11 "Public employer" or "employer" as used in this Act,  
12 however, does not mean and shall not include the General  
13 Assembly of the State of Illinois, the Executive Ethics  
14 Commission, the Offices of the Executive Inspectors General,  
15 the Legislative Ethics Commission, the Office of the  
16 Legislative Inspector General, the Office of the Auditor  
17 General's Inspector General, the Office of the Governor, the  
18 Governor's Office of Management and Budget, the Illinois  
19 Finance Authority, the Office of the Lieutenant Governor, the  
20 State Board of Elections, and educational employers or  
21 employers as defined in the Illinois Educational Labor  
22 Relations Act, except with respect to a state university in its  
23 employment of firefighters and peace officers and except with  
24 respect to a school district in the employment of peace  
25 officers in its own police department in existence on the  
26 effective date of this amendatory Act of the 96th General

1 Assembly. County boards and county sheriffs shall be designated  
2 as joint or co-employers of county peace officers appointed  
3 under the authority of a county sheriff. Nothing in this  
4 subsection (o) shall be construed to prevent the State Panel or  
5 the Local Panel from determining that employers are joint or  
6 co-employers.

7 (o-5) With respect to wages, fringe benefits, hours,  
8 holidays, vacations, proficiency examinations, sick leave, and  
9 other conditions of employment, the public employer of public  
10 employees who are court reporters, as defined in the Court  
11 Reporters Act, shall be determined as follows:

12 (1) For court reporters employed by the Cook County  
13 Judicial Circuit, the chief judge of the Cook County  
14 Circuit Court is the public employer and employer  
15 representative.

16 (2) For court reporters employed by the 12th, 18th,  
17 19th, and, on and after December 4, 2006, the 22nd judicial  
18 circuits, a group consisting of the chief judges of those  
19 circuits, acting jointly by majority vote, is the public  
20 employer and employer representative.

21 (3) For court reporters employed by all other judicial  
22 circuits, a group consisting of the chief judges of those  
23 circuits, acting jointly by majority vote, is the public  
24 employer and employer representative.

25 (p) "Security employee" means an employee who is  
26 responsible for the supervision and control of inmates at

1 correctional facilities. The term also includes other  
2 non-security employees in bargaining units having the majority  
3 of employees being responsible for the supervision and control  
4 of inmates at correctional facilities.

5 (q) "Short-term employee" means an employee who is employed  
6 for less than 2 consecutive calendar quarters during a calendar  
7 year and who does not have a reasonable assurance that he or  
8 she will be rehired by the same employer for the same service  
9 in a subsequent calendar year.

10 (q-5) "State agency" means an agency directly responsible  
11 to the Governor, as defined in Section 3.1 of the Executive  
12 Reorganization Implementation Act, and the Illinois Commerce  
13 Commission, the Illinois Workers' Compensation Commission, the  
14 Civil Service Commission, the Pollution Control Board, the  
15 Illinois Racing Board, and the Department of State Police Merit  
16 Board.

17 (r) "Supervisor" is:

18 (1) An employee whose principal work is substantially  
19 different from that of his or her subordinates and who has  
20 authority, in the interest of the employer, to hire,  
21 transfer, suspend, lay off, recall, promote, discharge,  
22 direct, reward, or discipline employees, to adjust their  
23 grievances, or to effectively recommend any of those  
24 actions, if the exercise of that authority is not of a  
25 merely routine or clerical nature, but requires the  
26 consistent use of independent judgment. Except with

1       respect to police employment, the term "supervisor"  
2       includes only those individuals who devote a preponderance  
3       of their employment time to exercising that authority,  
4       State supervisors notwithstanding. Nothing in this  
5       definition prohibits an individual from also meeting the  
6       definition of "managerial employee" under subsection (j)  
7       of this Section. In addition, in determining supervisory  
8       status in police employment, rank shall not be  
9       determinative. The Board shall consider, as evidence of  
10      bargaining unit inclusion or exclusion, the common law  
11      enforcement policies and relationships between police  
12      officer ranks and certification under applicable civil  
13      service law, ordinances, personnel codes, or Division 2.1  
14      of Article 10 of the Illinois Municipal Code, but these  
15      factors shall not be the sole or predominant factors  
16      considered by the Board in determining police supervisory  
17      status.

18       Notwithstanding the provisions of the preceding  
19      paragraph, in determining supervisory status in fire  
20      fighter employment, no fire fighter shall be excluded as a  
21      supervisor who has established representation rights under  
22      Section 9 of this Act. Further, in new fire fighter units,  
23      employees shall consist of fire fighters of the rank of  
24      company officer and below. If a company officer otherwise  
25      qualifies as a supervisor under the preceding paragraph,  
26      however, he or she shall not be included in the fire

1 fighter unit. If there is no rank between that of chief and  
2 the highest company officer, the employer may designate a  
3 position on each shift as a Shift Commander, and the  
4 persons occupying those positions shall be supervisors.  
5 All other ranks above that of company officer shall be  
6 supervisors.

7 (2) With respect only to State employees in positions  
8 under the jurisdiction of the Attorney General, Secretary  
9 of State, Comptroller, or Treasurer (i) that were certified  
10 in a bargaining unit on or after December 2, 2008, (ii) for  
11 which a petition is filed with the Illinois Public Labor  
12 Relations Board on or after April 5, 2013 (the effective  
13 date of Public Act 97-1172) ~~this amendatory Act of the 97th~~  
14 ~~General Assembly~~, or (iii) for which a petition is pending  
15 before the Illinois Public Labor Relations Board on that  
16 date, an employee who qualifies as a supervisor under (A)  
17 Section 152 of the National Labor Relations Act and (B)  
18 orders of the National Labor Relations Board interpreting  
19 that provision or decisions of courts reviewing decisions  
20 of the National Labor Relations Board.

21 (s) (1) "Unit" means a class of jobs or positions that are  
22 held by employees whose collective interests may suitably be  
23 represented by a labor organization for collective bargaining.  
24 Except with respect to non-State fire fighters and paramedics  
25 employed by fire departments and fire protection districts,  
26 non-State peace officers, and peace officers in the Department

1 of State Police, a bargaining unit determined by the Board  
2 shall not include both employees and supervisors, or  
3 supervisors only, except as provided in paragraph (2) of this  
4 subsection (s) and except for bargaining units in existence on  
5 July 1, 1984 (the effective date of this Act). With respect to  
6 non-State fire fighters and paramedics employed by fire  
7 departments and fire protection districts, non-State peace  
8 officers, and peace officers in the Department of State Police,  
9 a bargaining unit determined by the Board shall not include  
10 both supervisors and nonsupervisors, or supervisors only,  
11 except as provided in paragraph (2) of this subsection (s) and  
12 except for bargaining units in existence on January 1, 1986  
13 (the effective date of this amendatory Act of 1985). A  
14 bargaining unit determined by the Board to contain peace  
15 officers shall contain no employees other than peace officers  
16 unless otherwise agreed to by the employer and the labor  
17 organization or labor organizations involved. Notwithstanding  
18 any other provision of this Act, a bargaining unit, including a  
19 historical bargaining unit, containing sworn peace officers of  
20 the Department of Natural Resources (formerly designated the  
21 Department of Conservation) shall contain no employees other  
22 than such sworn peace officers upon the effective date of this  
23 amendatory Act of 1990 or upon the expiration date of any  
24 collective bargaining agreement in effect upon the effective  
25 date of this amendatory Act of 1990 covering both such sworn  
26 peace officers and other employees.

1           (2) Notwithstanding the exclusion of supervisors from  
2 bargaining units as provided in paragraph (1) of this  
3 subsection (s), a public employer may agree to permit its  
4 supervisory employees to form bargaining units and may bargain  
5 with those units. This Act shall apply if the public employer  
6 chooses to bargain under this subsection.

7           (3) Public employees who are court reporters, as defined in  
8 the Court Reporters Act, shall be divided into 3 units for  
9 collective bargaining purposes. One unit shall be court  
10 reporters employed by the Cook County Judicial Circuit; one  
11 unit shall be court reporters employed by the 12th, 18th, 19th,  
12 and, on and after December 4, 2006, the 22nd judicial circuits;  
13 and one unit shall be court reporters employed by all other  
14 judicial circuits.

15           (t) "Active petition for certification in a bargaining  
16 unit" means a petition for certification filed with the Board  
17 under one of the following case numbers: S-RC-11-110;  
18 S-RC-11-098;       S-UC-11-080;       S-RC-11-086;       S-RC-11-074;  
19 S-RC-11-076;       S-RC-11-078;       S-UC-11-052;       S-UC-11-054;  
20 S-RC-11-062;       S-RC-11-060;       S-RC-11-042;       S-RC-11-014;  
21 S-RC-11-016;       S-RC-11-020;       S-RC-11-030;       S-RC-11-004;  
22 S-RC-10-244;       S-RC-10-228;       S-RC-10-222;       S-RC-10-220;  
23 S-RC-10-214;       S-RC-10-196;       S-RC-10-194;       S-RC-10-178;  
24 S-RC-10-176;       S-RC-10-162;       S-RC-10-156;       S-RC-10-088;  
25 S-RC-10-074;       S-RC-10-076;       S-RC-10-078;       S-RC-10-060;  
26 S-RC-10-070;       S-RC-10-044;       S-RC-10-038;       S-RC-10-040;

1 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
2 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
3 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
4 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
5 S-RC-07-100.

6 (Source: P.A. 96-1257, eff. 7-23-10; 97-586, eff. 8-26-11;  
7 97-1158, eff. 1-29-13; 97-1172, eff. 4-5-13; revised 4-8-13.)

8 (5 ILCS 315/6.1)

9 Sec. 6.1. Gubernatorial designation of certain public  
10 employment positions as excluded from collective bargaining.

11 (a) Notwithstanding any provision of this Act to the  
12 contrary, except subsections (e) and (f) of this Section, the  
13 Governor is authorized to designate up to 3,580 State  
14 employment positions collectively within State agencies  
15 directly responsible to the Governor, and, upon designation,  
16 those positions and employees in those positions, if any, are  
17 hereby excluded from the self-organization and collective  
18 bargaining provisions of Section 6 of this Act. Only those  
19 employment positions that have been certified in a bargaining  
20 unit on or after December 2, 2008, that have a pending petition  
21 for certification in a bargaining unit on April 5, 2013 (the  
22 effective date of Public Act 97-1172) ~~this amendatory Act of~~  
23 ~~the 97th General Assembly,~~ or that neither have been certified  
24 in a bargaining unit on or after December 2, 2008 nor have a  
25 pending petition for certification in a bargaining unit on the

1 effective date of this amendatory Act of the 97th General  
2 Assembly are eligible to be designated by the Governor under  
3 this Section. The Governor may not designate under this  
4 Section, however, more than 1,900 employment positions that  
5 have been certified in a bargaining unit on or after December  
6 2, 2008.

7 (b) In order to properly designate a State employment  
8 position under this Section, the Governor shall provide in  
9 writing to the Board: the job title and job duties of the  
10 employment position; the name of the State employee currently  
11 in the employment position, if any; the name of the State  
12 agency employing the public employee; and the category under  
13 which the position qualifies for designation under this  
14 Section.

15 To qualify for designation under this Section, the  
16 employment position must meet one or more of the following  
17 requirements:

18 (1) it must authorize an employee in that position to  
19 act as a legislative liaison;

20 (2) it must have a title of, or authorize a person who  
21 holds that position to exercise substantially similar  
22 duties as an, Agency General Counsel, Agency Chief of  
23 Staff, Agency Executive Director, Agency Deputy Director,  
24 Agency Chief Fiscal Officer, Agency Human Resources  
25 Director, Senior Public Service Administrator, Public  
26 Information Officer, or Chief Information Officer;

1           (3) it must be a Rutan-exempt, as designated by the  
2           employer, position and completely exempt from jurisdiction  
3           B of the Personnel Code;

4           (4) it must be a term appointed position pursuant to  
5           Section 8b.18 or 8b.19 of the Personnel Code; or

6           (5) it must authorize an employee in that position to  
7           have significant and independent discretionary authority  
8           as an employee.

9           Within 60 days after the Governor makes a designation under  
10          this Section, the Board shall determine, in a manner that is  
11          consistent with the requirements of due process, whether the  
12          designation comports with the requirements of this Section.

13          (c) For the purposes of this Section, a person has  
14          significant and independent discretionary authority as an  
15          employee if he or she (i) is engaged in executive and  
16          management functions of a State agency and charged with the  
17          effectuation of management policies and practices of a State  
18          agency or represents management interests by taking or  
19          recommending discretionary actions that effectively control or  
20          implement the policy of a State agency or (ii) qualifies as a  
21          supervisor of a State agency as that term is defined under  
22          Section 152 of the National Labor Relations Act or any orders  
23          of the National Labor Relations Board interpreting that  
24          provision or decisions of courts reviewing decisions of the  
25          National Labor Relations Board.

26          (d) The Governor must exercise the authority afforded under

1 this Section within 365 calendar days after April 5, 2013 (the  
2 effective date of Public Act 97-1172) ~~this amendatory Act of~~  
3 ~~the 97th General Assembly~~. Any designation made by the Governor  
4 under this Section shall be presumed to have been properly  
5 made.

6 If the Governor chooses not to designate a position under  
7 this Section, then that decision does not preclude a State  
8 agency from otherwise challenging the certification of that  
9 position under this Act.

10 The qualifying categories set forth in paragraphs (1)  
11 through (5) of subsection (b) of this Section are operative and  
12 function solely within this Section and do not expand or  
13 restrict the scope of any other provision contained in this  
14 Act.

15 (e) The provisions of this Section do not apply to any  
16 employee who is employed by a public employer and who is  
17 classified as, or holds the employment title of, Chief  
18 Stationary Engineer, Assistant Chief Stationary Engineer,  
19 Sewage Plant Operator, Water Plant Operator, Stationary  
20 Engineer, Plant Operating Engineer, Civil Engineer V, Civil  
21 Engineer VI, Civil Engineer VII, Technical Manager I, Technical  
22 Manager II, Technical Manager III, Technical Manager IV,  
23 Technical Manager V, Technical Manager VI, Realty Specialist  
24 III, Realty Specialist IV, Realty Specialist V, Technical  
25 Advisor I, Technical Advisor II, Technical Advisor III,  
26 Technical Advisor IV, or Technical Advisor V.

1       (f) The provisions of this Section also do not apply to any  
2 mental health administrator in the Department of Corrections  
3 who is classified as or who holds the position of Public  
4 Service Administrator (Option 8K), any attorney in the  
5 Department of Corrections who is classified as or who holds the  
6 position of Public Service Administrator (Option 8L), any  
7 nuclear safety staff attorney in the Illinois Emergency  
8 Management Agency, any Section Chief, Deputy Lab Director,  
9 Research and Development Coordinator, Quality Assurance  
10 Director, or Assistant Director of Training in the Department  
11 of State Police who is classified as or who holds the position  
12 of Senior Public Service Administrator (Option 7), any employee  
13 of the Office of the Inspector General in the Department of  
14 Human Services who is classified as or who holds the position  
15 of Public Service Administrator (Option 7), any Deputy of  
16 Intelligence in the Department of Corrections who is classified  
17 as or who holds the position of Public Service Administrator  
18 (Option 7), or any employee of the Department of State Police  
19 who handles issues concerning the Illinois State Police Sex  
20 Offender Registry and who is classified as or holds the  
21 position of Public Service Administrator (Option 7).

22 (Source: P.A. 97-1172, eff. 4-5-13.)

23       Section 99. Effective date. This Act takes effect upon  
24 becoming law."